the Chair be authorized to appoint conferees on the part of the Senate, without any further debate or action.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT—H.R. 927

Mr. DOLE. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on H.R. 927, the Cuba sanctions bill, for the appointment of conferees at 2 p.m. on Monday, November 13, and any votes ordered will commence at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONTINUING RESOLUTION AND THE LABOR, HHS AND EDUCATION APPROPRIATIONS BILL, H.R. 2127

Mr. SPECTER. Mr. President, as chairman of the Labor, HHS and Education Appropriations Subcommittee, I wanted to take a minute to update the Senate on the status of the Labor, HHS and Education appropriations bill, H.R. 2127 as it relates to the continuing resolution and the implications of the Senate's inaction on the bill for programs of the Departments of Labor, HHS and Education.

As Senators know, the Labor, HHS and Education Appropriations bill for fiscal year 1996 is still on the calendar. Efforts to bring it up in the Senate have been met with a filibuster due to the ''striker replacement'' provision. I opposed that provision being added to the bill in committee, because of the view that controversial legislative riders do not belong on an appropriation bill, but should be considered through the authorization process. In the case of the Labor, HHS and Education Appropriations bill, the legislative riders included by the House have stalled action on this important bill in the Senate, and indefinitely postponed funding for education, health, job training, and social service programs in this fiscal year.

While the continuing resolution will ensure that some funding will be available for these programs, it is only on a short-term basis and at a minimal level. For example, a central difference between the House passed and the committee reported bills involves funding for the Low Income Home Energy Assistance Program [LIHEAP]. LIHEAP provides funds to states to help low income households meet their fuel bills during the winter months when costs soar due to cold weather. A high percentage of the program's beneficiaries are elderly and disabled people who need help in paying their fuel bills.

Mr. President, it is already getting very cold in many parts of the Nation, with a major Canadian cold front making early November feel like winter in much of the midwest and northeast. Under the terms of the continuing resolution, less than $200 million will have been made available to the States. This is far short of the $600 million requested by the States to get through the first quarter of the fiscal year. This comports with the historic average of 60 percent of the annual appropriation for LIHEAP being allocated to the States in the first quarter.

Many States have begun receiving requests for assistance, and under normal circumstances would begin distributing funds to participants at this time. However, because of the present stalemate in the Senate on the Labor, HHS and Education Appropriations bill, States have no idea how to plan for this winter's program, and hundreds of thousands of low income families are left wondering how they will be able to meet their winter heating bills. Low income households, as well as Governors and local officials across the country are waiting to learn whether, and how much, funding will be appropriated for this winter's LIHEAP program.

Funding for education programs also are held hostage to the stalemate on H.R. 2127. Education program funding levels recommended by the House fall almost $3.6 billion below the fiscal year 1995. The Senate bill, as reported by the Appropriations Committee on September 15, includes funding for education programs which is $1.6 billion above the House passed levels. Under the terms of the CR, however, the lower levels of the House bill become the funding levels for the upcoming period of the CR. Absent action on the Senate bill, and a conference with the House, future funding levels for these education programs likely will continue at House passed levels.

Finally, Mr. President, the terms of the CR maintain funding for medical research supported by the National Institutes of Health at the 1995 level of $11.3 billion. But, there is clear consensus between the Congress and the President that medical research is a priority, deserving of increased funding in fiscal year 1996. Despite a 7-percent reduction in the subcommittee's allocation, the President's budget, the House passed bill, and the Senate reported bill, nonetheless recommended increases for NIH of no less than $300 million. Without Senate action on the Labor, HHS and Education appropriations bill, medical research funding will be frozen indefinitely, thereby stalling new discoveries for understanding the causes and cures of diseases.

I will support this continuing resolution because it provides critical short-term funding for Federal activities. But I also want to make clear, it is time for the Senate to act on the Labor, Health and Human Services, and Education appropriations bill. Let us stop the filibuster, agree to bring up the bill, debate it, and let the Senate work its will. The critical programs in this bill deserve the attention and debate of the Senate. The American people are waiting for the Congress to complete its work.

EPA ENFORCEMENT NEEDS SCRUTINY

Mr. DORGAN. Mr. President, I have supported policies to protect our country's environment, and I have backed the Environmental Protection Agency's efforts to enforce environmental laws. It is not a coincidence that we now use twice as much energy in America than we did 20 years ago and yet we have both cleaner air and cleaner water. That results from the determination by our country and the Congress to place limitations on those who are dumping pollutants into our rivers, streams, and lakes, and into our air.

This is a success story. We have made real progress in our fight to clean up our environment.

I am proud of my support for those efforts. But, Mr. President, I have come to the floor of the Senate today to discuss a couple of cases dealing with environmental protection that concern me. There are occasions, I am certain, where enforcement actions taken by those who are given police powers to make sure our environment is protected, become unfair, unreasonable and, in some cases, downright punitive.

Two such legal actions have been filed against two North Dakota manufacturing companies and I want to discuss them today. Because they involve an important matter of public policy, I want to offer my opinions on them.

Both of these examples are enforcement proceedings involving the EPA and now also entail filings in court. As a result, I am unable to pursue the matter further directly with the Agency. I regret that because I would like the opportunity to sit down in person and review in detail, with officials at EPA and with the officials in the two North Dakota companies, EPA's justifications for taking the kind of action it has taken against these firms.

So my alternative is to discuss these cases on the floor of the Senate and use information that is on public file in the two court actions and information that

has been provided me by the companies as well as information that was provided to my staff from the Environmental Protection Agency prior to the final enforcement action being taken. I will use that information today to discuss the actions that have been taken against these two companies and ask whether this represents fair enforcement of our environmental protection regulations and whether it represents the routine kind of enforcement actions that the EPA has been taking against other companies around our country.

If these cases are judged by the EPA to be fair, and if these are representative of the enforcement actions taken around the country against other companies, then I understand much, much better the anger that exists in America against the bureaucracy because I think the action taken in these two cases is just plain unfair and punitive beyond reason.

Mr. President, let me describe the two EPA cases in North Dakota as I understand them. Once again, this description comes from the information filed in court actions against the two companies which is public information, information provided my office by the two companies, as well as information offered by the EPA during the process of its development of an enforcement action against the companies.

First, there is the Sheyenne Tooling and Manufacturing Co. which produces farm implements and steel parts in Cooperstown, ND. The second case is the Melroe Division of the Clark Equipment Co. which produces the Bobcat skidsteer utility loader in Gwinner, ND.

Both cases are remarkably similar. They began several years ago—in 1992 for Melroe and 1993 for Sheyenne Tooling—when EPA sent the two firms compliance orders instructing them to sample and test their wastewater. That testing has been a Clean Water Act requirement since 1986. When the sampling turns up excess contaminants, the wastewater must be pretreated before it is discharged into a sewer system. Unfortunately, neither firm was aware of those aspects of the law. There was an assumption that the treatment requirements were being handled by the city sewage plants into which the wastewater flowed.

The companies had received no communications from EPA on the requirements and no problems in that area had been pointed out during regular visits from the State Health Department. Though neither company was aware of the requirements, when they learned of them, they took steps to comply immediately.

Upon the notification by EPA that they had the responsibility to sample and test their wastewater, both companies immediately tested. When that testing determined that there were occasions when the wastewater did not meet EPA standards, both firms then acted quickly to take steps so that their discharges were brought within permissible limits. In every way, they worked cooperatively, promptly, and successfully to fix the problem.

Months later, however, EPA stunned them by demanding the payment of huge penalties—$1.9 million in the case of Melroe and $320,000 from Sheyenne Tooling. EPA said the fines were punishment for the companies' failure to sample, test, and treat their wastewater ever since the implementation deadline of 1986.

When the firms resisted fines of that amount, the Justice Department filed suit in Federal court to demand the money. Expensive and exhausting court actions now face both firms. The court action against Sheyenne Tooling only began in April, but in the action against Melroe, which has been going on for 18 months, the Justice Department has already secured 1,000 pages of depositions and required Melroe to turn over more than 5,000 documents.

In the case of Sheyenne Tooling, a small firm of just 60 employees, its problem was with an excess of zinc in its wastewater. Its zinc electroplating department is an insignificant part of the company, accounting for only 2 or 3 percent of its sales and an even smaller share of its profits.

As a result, it offered to eliminate its plating operation. However, EPA discouraged that and suggested ways to bring the operation into compliance. EPA did not tell the firm that for every day it continued out of compliance it could be fined $25,000. If Sheyenne Tooling had known that, it would have ended its zinc plating immediately. Instead, however, it spent $12,000 for equipment and took care of the problem.

Despite its forthright and good faith work to correct the situation, Sheyenne Tooling has ended up faced with this $320,000 penalty. The fine is of such a size that it will devastate the company, a major blow to the employees and to Cooperstown, a rural community of only 1,300 people.

In the situation at Melroe, the firm is said to have discharged excess amounts of lead, copper and, most significantly, zinc. A key part of the problem as it worked toward a solution was that it had trouble even identifying the source of the zinc. It suspected a paint, but the paint's ingredients label did not list that metal and, when the paint manufacturer was quizzed about the matter, it initially denied zinc was in the paint. Eventually, it was determined that the paint did indeed contain the metal and the supplier was required by Melroe to reformulate it to eliminate the zinc.

Melroe had several wastewater streams that flowed into the city sewer system. In one of the two key streams, the only problems were from the questionable paint. The other stream discharged just 17 gallons of wastewater a day. An important point to note is that manufacturers are allowed to combine their wastestreams before allowing them to flow into the public sewers.

If Melroe had done that, the combined volume of water would have been such that the metal contaminants would have been diluted enough so that Melroe would not have had any excessive discharges of pollutants except for the sporadic and unusual zinc paint phenomenon.

In addition to switching, as I have already noted, to a paint that was definitely zinc free, Melroe also installed almost $200,000 worth of equipment which completely eliminated all its problems. Despite that, EPA sought the $1.9 million fine. Melroe has offered to pay a $200,000 penalty, but EPA remains determined to hold out for a substantially larger amount.

EPA believes that these punishing penalties are necessary to deter potential offenders and to recoup any possible savings the firms might have accrued by not performing the sampling and pretreatment in earlier years. It argues, in addition, that there was a risk of environmental harm, even though no harmful impacts have been documented.

In similar cases I am aware of in North Dakota, EPA sought penalties of $60,000, $40,000, $25,000 and $15,000 and generally settled for less. I am at a loss to understand why it now wants penalties of $1.9 million and $320,000 in the two cases I am discussing.

Mr. President, those are the facts about these two cases as I know them. As I indicated, because of the enforcement action initiated by the EPA and now the court action by the Justice Department to collect civil penalties against these two companies, I am constrained from intervention with EPA.

But I want the record to show that I think this represents terrible judgment, inappropriate sanctions, and an unreasonable punishment for these companies.

I have no sympathy for a rogue company that, knowing the rules, violates those rules and pollutes the air and the water. I have no sympathy for companies that refuse to cooperate with the EPA. I have no sympathy with repeat offenders whose record demonstrates a disregard for our environment. They should be punished.

But I have no fondness for a Government agency that goes to companies that have an excellent record and that willingly cooperate in every respect and who demonstrate a desire to do the right thing and then say to them: ''You're guilty of an oversight and you are going to pay dearly for it.'' That kind of heavy-handed, bureaucratic misjudgment is what is causing a relentless anger in the American people that is directed at their Federal Government.

I have spent most of my 15 years in Congress taking on the big economic interests. I have fought to shut down the S&L junk bond scandal, opposed the corporate raiders on Wall Street, fought the drug companies for pricing

abuses, taken on foreign corporations for tax avoidance, and opposed tax subsidies for oil companies. So I find myself in an unaccustomed role today bringing to the floor a case of two corporations, one large and one small, who I think have been wronged by the EPA.

Originally, when I reviewed the complaint of these two companies, both of which have an excellent reputation, both of which the North Dakota Health Department considers cooperative and responsible firms, I concluded that they were treated unfairly.

But because my hands are tied in an enforcement matter such as this, there has not been much I could do beyond simply commiserating with them and telling them that I thought they were treated unfairly. But, if we legislators who created the EPA, and who wrote these environmental protection laws, are unwilling to stand up and ask the policy questions that we should be asking in circumstances like this, then we deserve all the ill will that is directed toward the Federal Government.

Unless we are prepared to point out the cases of bureaucratic excess and unfair consequences and then try to do something about them, we should not be surprised by a citizenry that is justifiably angry.

I hope those in the Federal Government who read these examples will understand that they hold the power to enforce the laws of this country in an appropriate, fair, even-handed manner, but they also have the responsibility to rein in those who would use that power in ways that are not fair and not even-handed. That is what we expect and that is what the American people demand.

ACDA DIRECTOR HOLUM GOES TRICK-OR-TREATING

Mr. HELMS. Mr. President, I suppose that I am supposed to be discouraged, or at least surprised, that the Director of the Arms Control and Disarmament Agency overspoke himself—again—on Halloween by calling me an isolationist and by falsely asserting that I am holding both the Chemical Weapons Convention and this country's national security hostage. Perhaps he was playing trick-or-treat, and if he had stopped by our house, Dot Helms would have placed several pieces of candy in his bag.

Seriously Mr. President, I had assumed that Mr. Holum had better control of himself than that—but I suppose he is so concerned about losing his place on the Federal bureaucratic totem pole that he is suffering a case of nervous jitters.

His holding hostage outburst on Halloween is ludicrous on its fact. The Chemical Weapons Convention was first submitted as a treaty in the 103d Congress, and Congress refused to ratify it at that time because a number of questions on issues such as verification and cost had gone unanswered. They are still unanswered, and any reasonable prudent American is likely to agree that the convention's approval must wait until the Senate can be certain what it will cost and the degree of risk in premature approval of it.

Mr. President, I also find very sad Director Holum's strange assertion that the effort to consolidate ACDA's functions within the Department of State is what he called an isolationist attack on arms control. That one, as the saying goes, is off the wall—and Mr. Holum knows it.

The first suggestion about abolishing ACDA was proposed by the Clinton administration in 1993; the State Department even drafted a comprehensive plan to absorb ACDA personnel and funds. Unfortunately, that proposal by Secretary of State Christopher was debated and defeated—not on its merits, but by the same kind of bureaucratic obstructionism that has impeded S. 908, the Foreign Relations Revitalization Act of 1995, every step of the way.

So it comes as little surprise, Mr. President, that the plan to reorganize arms control has stirred up a hornet's nest. In testimony before the Foreign Relations Committee, one of ACDA's previous Directors, Dr. Fred Ikle, endorsed the plan to abolish ACDA, but warned that:

> Any effort to trim, or to abolish, a bureaucratic entity hurts the pride and prestige of the affected officials, jeopardize job security, and mobilizes throngs of contractors, captive professional organizations, and other beneficiaries of the threatened agency.

When you get right down to it, at the heart of all these protestations regarding the plan to eliminate ACDA are, in fact, no more than a host of self-serving, bureaucratic interests. While nearly every aspect of government is being downsized and streamlined, ACDA's budget request for fiscal year 1996 was increased by 44 percent over the 1995 fiscal year budget. Director Holum's ACDA crowd, you see, proposes to spend fare more of the taxpayer's money and to hire more people. They even tried to commandeer one of the Department of Defense's radar systems in Alaska.

Mr. President, when faced with possible elimination, there's nothing the ACDA crowd will not do or say. It is incredible that anyone will try to argue, with a straight face, that arms control will suffer if ACDA is eliminated. Nonsense, there are today more than 3,100 arms control experts working in more than 25 offices scattered throughout the Federal Government. ACDA employs about 250 of the 3,100, only 8 percent of the total number of arms control experts in the Federal Government. Even the Commerce Department has more people assigned to nonproliferation and arms control. Simply put, arms control is big business, and ACDA is small potatoes, and almost irrelevant. That prompted ACDA Director Holum's outburst on Halloween.

The truth of the matter is that the State Department and the National Security Council are responsible for arms control policy coordination and negotiation, not ACDA. One of ACDA's inspectors general put it best a few years ago, stating that:

> Once arms control became important presidential business . . . Secretaries of State and Defense and national security advisers became the dominant figures in arms control.

Implementation and verification of arms control are conducted by the Department of Defense and the intelligence community. Since 1989 it has been the on-site inspection agency, not ACDA, that had performed on-the-ground verification for all major arms control agreements. Of all the personnel involved in START inspections so far, fewer than 1 percent were supplies by ACDA. In short, abolishing ACDA will not hurt the conduct of this Nation's arms control one iota. It is not an obvious anachronism—and it is time to bid farewell.

By incorporating ACDA's handful of experts in a new, more efficient State Department, Congress can give arms control a comprehensive purview. After all the effectiveness and desirability of arms control depend upon its consideration in the broader foreign policy context. Just as importantly, doing this will save U.S. citizens at least $250 million over the next 10 years. Consolidation makes good business sense and will reduce waste, duplication, and silly bureaucratic turf battles.

Finally, any plan that has been endorsed by five former Secretaries of State, from Henry Kissinger to James Baker, can hardly be labeled isolationist. Director Holum should dispense with is schoolboy name-calling. Let the issue of consolidation be debated on its merits.

WREATH LAYING CEREMONY AT THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

Mr. THURMOND. Mr. President, in recent months, there have been some disturbing accounts from throughout the Nation about police officers conducting themselves in an inappropriate manner while performing their duties. Regrettably, some members of the media, and people who wish to malign the efforts of law enforcement officers, choose to believe that the actions of a handful of rogue individuals are representative of the entire law enforcement community. That is simply not the case.

As we all know, the job that lawmen and women do is not easy, as a matter of fact, it is one that is extremely dangerous, as well as physically and mentally demanding. It is a job that requires ordinary men and women to commit extraordinary acts on an almost daily basis. In many cases, the situations to which they are dispatched result in injury to officers, and in increasingly frequent cases, the lives of officers are lost.

While law enforcement officers across America labor tirelessly and